

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, January 2, 2001, the following members were present:

Gary Feland, Chairman  
Jay Stovall, Vice Chairman  
Bob Anderson, Commissioner  
Matt Brainard, Commissioner  
Bob Rowe Commissioner

- (1) In the matter of the election of a new Chairman; Commissioner Rowe moved to nominate Commissioner Feland for Chairman, which passed unanimously.
- (2) In the matter of the election of a new Vice Chairman; Commissioner Brainard moved to nominate Commissioner Stovall for Vice Chairman, which passed unanimously.
- (3) In the matter of the appointment of the Commission Secretary; Commissioner Rowe moved to appoint Rhonda Simmons as Commission Secretary. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Dennis Crawford  
Utility Division

- (4) In the matter of Montana Power Company, Docket No. N2000.12.206; On December 5, 2000, MPC requested several changes to therm billing zones pursuant to Order No. 5860a in Docket No. 95.6.26. A new Zone 24 is created to measure the heating value in the towns of Fairfield, Choteau and Valier. Sheridan, Twin Bridges and Dillon will be moved to Zone 13. Gas flows are always west to east from Butte to Bozeman. Thus, the gas analysis for Zone 13 can be used for towns located on the line from Pipestone to Dillon. Lastly, all of the towns west of Bozeman in Zone 15 will be moved to Zone 13. This change will ensure that those customers presently located west of Bozeman in Zone 15 will not be billed for higher BTU gas when MPC moves gas west from Dry Creek. The effect of these changes is revenue neutral to MPC. Commissioner Rowe moved to approve the changes and issue the draft order. Commissioner Anderson seconded the motion, which passed unanimously.
- (5) In the matter of Montana Power Company, Docket N2000.12.212; On December 21, 2000, the Commission received a complaint letter from John L. and Linda Swanson regarding the charges from MPC for a prospective house movement from Townsend to Helena, Montana. Among other concerns, the Swansons allege that MPC's charges do not comply with Title 69, Chapter 4, Part 6, Montana Code Annotated, and the Commission's administrative rules at Administrative Rules of Montana (ARM) Title 38, Chapter 5, Sub-Chapter 24. Commissioner Anderson moved to issue the Notice of Complaint to MPC with 10 days to respond. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator

Transportation & Centralized Services Division

(6) In the matter of TN2086; Constance G. Cohen as personal representative for the estate of Benjamin R. Cohen dba North Valley Refuse, Whitefish, Montana, owner/lessor and as a corporate officer of NVR, Inc. dba North Valley Refuse, Whitefish, Montana, lessee/operator of PSC No. 3325 requests that the lease of the authority be cancelled effective January 2, 2001.

Class D - Garbage, waste and refuse (1) within Whitefish, Montana, and points and places within a seven (7) mile radius thereof; and (2) transportation between Whitefish, Montana and the Flathead County line via Highway 93, serving all intermediate points; and (3) transportation movements Nos. 1 and 2 above will terminate at the presently existing sanitary landfill dump nearest Whitefish, Montana.

Limitations: Transportation is prohibited within Columbia Falls, Montana and a five (5) mile radius thereof. Transportation is prohibited within Kalispell, Montana and a ten (10) mile radius thereof.

SUB A Class C & D - Refuse, debris and rubbish from the cleaning out of railroad freight cars and damaged and discarded parts of railroad freight cars and engines but transportation limited to Burlington Northern, Inc., and the Western Fruit Express Company, between points and places in Flathead County, Montana.

Commissioner Rowe moved to cancel the lease. Commissioner Anderson seconded the motion, which passed unanimously.

(7) In the matter of TN2087; Constance G. Cohen as personal representative for the estate of Benjamin R. Cohen dba North Valley Refuse, Whitefish, Montana requests permission to lease PSC No. 3325 to Montana Waste Systems, Inc., Great Falls, Montana for a six month period, January 2, 2001 to July 2, 2001.

Class D - Garbage, waste and refuse (1) within Whitefish, Montana, and points and places within a seven (7) mile radius thereof; and (2) transportation between Whitefish, Montana and the Flathead County line via Highway 93, serving all intermediate points; and (3) transportation movements Nos. 1 and 2 above will terminate at the presently existing sanitary landfill dump nearest Whitefish, Montana.

Limitations: Transportation is prohibited within Columbia Falls, Montana and a five (5) mile radius thereof. Transportation is prohibited within Kalispell, Montana and a ten (10) mile radius thereof.

SUB A Class C & D - Refuse, debris and rubbish from the cleaning out of railroad freight cars and damaged and discarded parts of railroad freight cars and engines but transportation limited to Burlington Northern, Inc., and the Western Fruit Express Company, between points and places in Flathead County, Montana.

Commissioner Rowe moved to approve the lease for six months. Commissioner Anderson seconded the motion, which passed unanimously.

APPEARANCE

Laura Calkin  
Centralized Services

(8) In the matter of the approval of Commission Minutes for the week of December 18, 2000; Commissioner Anderson moved to approve the Commission Minutes. Commissioner Rowe seconded the motion, which passed with a vote of 3-0. Commissioners Feland, Rowe and Anderson voted aye. Commissioners Brainard and Stovall abstained.

There being no further business to come before the Commission the meeting was adjourned.

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, January 3, 2001 the following members were present:

Gary Feland, Chairman  
Jay Stovall, Vice Chairman  
Bob Anderson, Commissioner  
Matt Brainard, Commissioner  
Bob Rowe Commissioner

APPEARANCE  
Martin Jacobson

(9) In the matter of the Commission's discussion of Montana Power Company's Increase in Transportation Balancing Penalty, Docket No. D2000.12.211; Commissioner Rowe moved to issue the interim order. Commissioner Anderson seconded the motion, which passed unanimously.

APPEARANCE  
Robin McHugh

(10) In the matter of the Commission's discussion of Qwest's UNE Pricing, Docket No. D2000.6.89; Commissioner Anderson moved to sustain Avista's objection to Qwest Data Request 40. Commissioner Feland seconded the motion, which passed with a vote of 4-1. Commissioners Anderson, Brainard, Feland and Stovall voted aye. Commissioner Rowe dissented.

APPEARANCE  
Robin McHugh

(11) In the matter of the Commission's discussion of Qwest's Competitive Response Tariff, Docket No. D2000.2.21; Commissioner Rowe moved to respond to the commission substitution objection by clarifying statutory requirements and stating that the commission will decide the case en banc. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE  
Martin Jacobson

(12) In the matter of the Commission's discussion of Interest on Customer Deposits Rulemaking, Docket No. L-00.5.3-RUL; Commissioner Rowe moved to deny the motion for reconsideration. Commissioner Anderson seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)